

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 08-00178-01-CR-W-ODS
	)	
AVERY L. SNELLING,	)	
	)	
Defendant.	)	

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION  
AND GRANTING DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA**

On October 15, 2009, the Honorable Robert E. Larsen, United States Magistrate Judge for the Western District of Missouri, issued his Report and Recommendation recommending that Defendant be permitted to withdraw his guilty plea. Neither party filed objections to the Report and Recommendation, and the time for doing so has passed. 28 U.S.C. § 636(b)(1)(C); Local Rule 74.1(a)(2). The Court agrees with the Report's conclusion that there are significant questions about Defendant's competency at the time he purportedly changed his plea, so the interests of justice support Defendant's request. Accordingly, Judge Larsen's Report and Recommendation (Doc. # 68) is adopted as the Order of the Court, and Defendant's plea of guilty is withdrawn. The sentencing hearing set for November 13, 2009, is cancelled.

IT IS SO ORDERED.

DATE: November 2, 2009

/s/ Ortrie D. Smith  
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ORTRIE D. SMITH, JUDGE  
UNITED STATES DISTRICT COURT